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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,974	12/27/2000	Andreas Langsdorf	WEI0017	6415

7590 09/10/2003
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BAKER & DANIELS
1116 East Wayne Street, Suite 800
Fort Wayne, IN 46802

EXAMINER

VINCENT, SEAN E

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/748,974	Applicant(s) LANQSDORF ET AL.	
	Examiner Sean E Vincent	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it is not in one paragraph and it does not end with a complete sentence. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 9 recites the limitation "the melt-off process" in line 10. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 10 recites the limitation "the melting-off of the glass bar" in line 2. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 11 recites the limitation "the glass throughput" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 11 recites the limitation "the amount of the supplied energy" in line 4. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 12 recites the limitation "the bar-to-bar impact point" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al (US 4145200) in view of Morf (US1128175).

11. Yamazaki et al teach a process for melting glass bars wherein one of the glass bars is introduced into a shell (612), the lower edge of the shell is located above a surface of a melted portion (614), the glass bar in the shell is heated to the melting point and glass is fed from the shell into the glass melt continuously to produce a glass fiber (col. 10, line 29 to col. 11, line 11 and Fig. 6). Yamazaki et al also teaches that electricity is used to heat the glass. Yamazaki et al also teaches that the flow is controlled based upon the amount of energy that is supplied (col. 6, lines 17-39). Yamazaki et al does not teach that the means pulling the fiber off is an arrangement for drop generation. However, Morf teaches that it is known to use a glass bar melting method in combination with a droplet forming drawing means (Fig. 3). Thus, substituting a droplet forming means for the fiber drawing means would have been obvious given Morf's teaching to use a droplet forming means with a glass bar melting method. It would have been prima facie obvious at the time the invention was made to combine Morf's teachings with the Yamazaki et al method of melting glass bars because doing so would expand the versatility of the Yamazaki et al method and also for the reasons given in the body of the rejection.

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12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al in view of Morf with regard to claim 9 above and further in view of Mazabraud et al. (US 6098429).

13. Yamazaki et al in view of Morf teach applicant's claimed invention. See the 103(a) rejection for Yamazaki et al in view of Morf's teachings. However, Yamazaki et al. in view of Morf do not teach that the end of the bar is flat to avoid bubbles at the bar-to-bar impact point. However, Mazabraud et al. teach that it is known to form a bar-to-bar impact point having a flat surface so that the two bars may be butt-joined together (Fig. 1, ref. nos. 3, 13, 13A). It would have been prima facie obvious at the time the invention was made to combine Mazabraud et al.'s teachings with Yamazaki et al. in view of Morf's method of melting glass bars in order to produce a uniform welded glass bar that produces a product with uniform properties without contamination. Mazabraud et al. teach that the welding method used by them produce a uniform weld without contamination (col. 1, lines 33-52, col. 4, lines 15-19).

Response to Arguments

14. Applicant's arguments with respect to claims 9-12 have been considered but are moot in view of the new ground(s) of rejection.

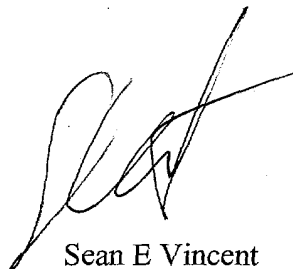
Conclusion

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E Vincent whose telephone number is 703-305-3607. The examiner can normally be reached on M - F (8:30 - 6:00) Second Monday Off.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P Griffin can be reached on 703-308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

17. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

A handwritten signature in black ink, appearing to read 'SE Vincent', with a stylized flourish extending from the end.

Sean E Vincent
Primary Examiner
Art Unit 1731

S Vincent